

Marc E. Wolin, Esq.
mwolin@saiber.com
John M. August, Esq.
jaugust@saiber.com
SAIBER LLC
18 Columbia Turnpike, Suite 200
Florham Park, NJ 07932
Tel: (973) 622-8401

-and-

Steven Kazan, Esq.
skazan@kazanlaw.com
Joseph D. Satterley, Esq.
jsatterley@kazanlaw.com
Denyse F. Clancy, Esq.
dclancy@kazanlaw.com
KAZAN, McCLAIN, SATTERLEY & GREENWOOD
A Professional Law Corporation
Jack London Market
55 Harrison Street, Suite 400
Oakland, CA 94607
Tel: (510) 302-1000

Counsel for Movant Audra Johnson

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:	:	Chapter 11
	:	
LTL MANAGEMENT LLC,	:	Case No. 21-30589
	:	
Debtor.	:	
	:	

DECLARATION OF AUDRA JOHNSON

Pursuant to 28 U.S.C. § 1746, I, Audra Johnson, declare under penalty of perjury as follows:

1. I am an adult over the age of 18 years and have personal knowledge of the facts expressed in this declaration. If asked, I could and would testify to the truth of such facts.

2. I am 55 years old and have been a lifelong resident of California. I am a single mother and the sole caretaker to my 15-year-old daughter Marley Jackson.

3. On September 17, 2021, I was diagnosed with peritoneal mesothelioma. As a result of my diagnosis, I have not worked since September 24, 2021.

4. I was born on January 30, 1967. It is my understanding that my mother regularly used Johnson's Baby Powder talc on me as a baby, including during diaper changes and whenever it was needed. I also understand that my mother continued using Johnson's Baby Powder talc on me throughout my childhood as part of my regular hygiene routine.

5. I first used Johnson's Baby Powder talc on myself when I was 11 years old. I continued using that product until the summer of 2020. For over 40 years, I regularly used a lot of Johnson's Baby Powder talc throughout my body, including in my private areas and underwear, as part of my regular hygiene routine. I used Johnson's Baby Powder talc every day, multiple times each day, including after showers, when I felt warm or sticky, after sports or exercise, and to relieve chafed or irritated skin. I applied that product either directly from the bottle or with my hands. Using Johnson's Baby Powder talc generated visible dust that I breathed.

6. Prior to my mesothelioma diagnosis, I was a very active person. For example, as a teenager, I played organized sports, such as baseball and basketball, and skateboarded. Throughout my adult life, I ran and exercised every day. As a result, I often used Johnson's Baby Powder talc because it was effective in combating sweat and odors. I also liked the fresh smell of Johnson's Baby Powder talc. I went through at least two bottles of Johnson's Baby Powder per month. My mom and I bought Johnson's Baby Powder at the following stores: Vons, Ralphs, Target, Safeway, Woolworths, and Pic 'N' Save. Johnson's Baby Powder is a product I trusted.

7. Johnson & Johnson and the retailers that sold its talc baby powder never warned me about the product's asbestos content or asbestos-related health hazards, including cancer. If Johnson & Johnson and the retailers warned me of such hazards, I would have never used Johnson's Baby Powder.

8. For the last five years, I have worked as a loan processor for several financial institutions. For each of the last two years, my gross wages total over \$70,000.

9. I do not recall any circumstance in which I or anyone in my household would have been in or around any dusty environments other than through my use of Johnson's Baby Powder. My mother was a real estate underwriter who did not work in any dusty environments, including construction, demolition, or remodeling. Hence, I never saw any dust on her work clothes. I never lived with or visited my father. I have never lived in or near any industrial areas or dust-generating facilities.

10. On September 24, 2021, one week after my mesothelioma diagnosis, I stopped working at my current job. This disease precludes me from returning to work because I experience frequent shortness of breath, lack of stamina, nausea, and debilitating pain throughout my body, including the chest, abdomen, and back.

11. On December 8, 2021, I underwent tumor debulking with HIPEC. That procedure has caused several complications, including an emergency department visit and the removal of my ovaries. Even days after the HIPEC procedure, I was still experiencing significant pain throughout my body and any medications I took provided minimal relief and made me nauseous.

12. Complications related to the HIPEC procedure have worsened my quality of life. Around January 2022, I began experiencing chest pain. On January 30, 2022, I was seen in the emergency room because my chest pain was worsening. On February 3, 2022, I went to urgent

care and also complained of chest pain that radiates to my jaw and shortness of breath. I then saw a pulmonologist who told me that my breathing issues stem from a problem with my diaphragm.

13. On May 6, 2022, I had a visit with my treating surgeon Dr. Jonathan King. A true and correct copy of the Clinical Notes from that visit is attached hereto as **Exhibit A**. During that visit, Dr. King told me that complications related to the HIPEC surgery caused my breathing issues.

14. On May 12, 2022, per Dr. King's recommendation, I had an office visit with Dr. Paul A. Toste, a thoracic surgeon at UCLA Health Thoracic Surgery Oncology in Santa Monica, California. A true and correct copy of Dr. Toste's Clinical Notes is attached hereto as **Exhibit B**. The purpose of the visit was to discuss whether I need to have surgery on my right diaphragm because of my breathing difficulties. When I saw Dr. Toste, I told him about the breathing and other difficulties I have been experiencing as a result of my peritoneal mesothelioma. My breathing difficulties have negatively impacted my daily activities. For example, I can barely breathe after walking my dog for one block, I constantly need oxygen to help me breathe or otherwise recover, and I am unable to care for Marley or participate in her activities. In addition to my breathing difficulties, not a minute passes without me experiencing symptoms related to my peritoneal mesothelioma, including dry cough, decreased mobility, trouble sleeping, increased fatigue, body pain, and extreme chest pressure that feels like an elephant sitting on my chest. Dr. Toste recommended, upon completion and results of further workup, that I undergo intensive surgery. He also told me that any such surgery may be complicated by my prior HIPEC because of my elevated diaphragm on my right side and the liver sticking to my diaphragm.

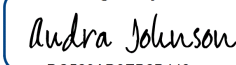
15. On May 12, 2022, I had a chest X-ray. A true and correct copy of the X-ray results is attached hereto as **Exhibit C**. It is my understanding that the results state that I have an elevated or paralyzed diaphragm on my right side and there is a buildup of fluid between the layers of tissue that line my lungs and chest cavity.

16. As a result of my disease, I am unable to support my household and daughter. Also, the medical bills associated with my disease is mounting. As of April 10, 2022, I owed \$10,782 for certain hospital services. Attached hereto as **Exhibit D** is a true and correct copy of my Billing Account Details. I expect those costs will increase significantly as I continue treatment for my mesothelioma, including the diaphragm surgery that I expect will happen next month. I am very concerned of my ability to pay for them. As a result, I experience stress and anxiety.

17. I understand that my mesothelioma is terminal. I fear that I will not have an opportunity to care for or see my daughter as she progresses through adulthood. I also fear that this disease will deprive me of my opportunity to participate in and live to see the resolution of my case against Johnson & Johnson and the retailers who sold its baby powder.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. I executed this Declaration at Tustin, California on May 21, 2022.

By:

DocuSigned by:

DC529AD9EB2B443...
AUDRA JOHNSON